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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO WESTERN DIVISION

Tronsen	3:08 CV 148
v.	Judge Carr
Toledo-Lucas County Public Library	ADDENDUM TO MEMORANDUM

Plaintiff begs the indulgence and patience of the court; However, last evening some *language* in a Supreme Court decision was discovered that Plaintiff believes is an important and significant precedence for our matter under consideration, to wit:

From the case of *Spence v. Washington 418 U.S. 405* (1974), we read the following in the Opinion of the Court:

"We are also unable to affirm the judgment below on the ground that the State may have desired to protect the sensibilities of passersby.It is firmly settled that, under our Constitution, the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers."

Comment: The Spence case concerned the display of a U.S. flag that authorities prosecuted as a desecration, **contrary to a Washington state statute**. This expression was in the form of superimposing a "Peace Sign" over a U.S. flag (I believe the flag was displayed upside-down).

The conviction was overturned, and the case was later cited in a somewhat similar case, *State v. Kool*, 212 N. W. 2d, 518 at 521.

Thus, 'alternative' (non-conventional) forms of expression are protected speech, *albeit* that observers did not appreciate the expression. As in our case, the individuals who produced the materials involved did not deny or seek to hide their identity; they were confident that the First Amendment afforded protection of their messages.

anders Tronsen
3/20/08

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